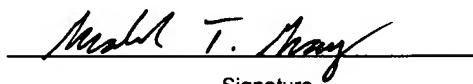




TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION		Docket Number (Optional) 021430-000210US
<p>In re Application of: Budach et al.</p> <p>Application No. 10/043,629</p> <p>Filed: January 10, 2002</p> <p>For: SENSOR PLATFORM, APPARATUS INCORPORATING THE PLATFORM, AND PROCESS USING THE PLATFORM</p> <p>The owner*, <u>Novartis AG</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number <u>09/609,846</u>, filed on <u>July 5, 2000</u>, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p>		
<p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p> Signature</p> <p>January 21, 2004 Date</p> <p>01/29/2004 CCHAU1 00000183 201430 10043629 01 FC:14 110.00 DA Gerald T. Gray, Reg. No. 41,797 Typed or printed name (925) 472-5000 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>		

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110

Complete if Known	
Application Number	10/043,629
Filing Date	January 10, 2002
First Named Inventor	Budach, Wolfgang E.
Examiner Name	Patrick J. Connolly
Art Unit	2877
Attorney Docket No.	021430-000210US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid

Large Entity

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
3. ADDITIONAL FEES	Large	Entity	Small	Entity	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	1053 130	1812 2,520	Surcharge - late filing fee or oath	
1052 50	2052 25	1804 920*	1804 920*	Surcharge - late provisional filing fee or cover sheet	
				Non-English specification	
				For filing a request for reexamination	
				Requesting publication of SIR prior to Examiner action	
				Requesting publication of SIR after Examiner action	
				Extension for reply within first month	
				Extension for reply within second month	
				Extension for reply within third month	
				Extension for reply within fourth month	
				Extension for reply within fifth month	
				Notice of Appeal	
				Filing a brief in support of an appeal	
				Request for oral hearing	
				Petition to institute a public use proceeding	
				Petition to revive – unavoidable	
				Petition to revive – unintentional	
				Utility issue fee (or reissue)	
				Design issue fee	
				Plant issue fee	
				Petitions to the Commissioner	
				Petitions related to provisional applications	
				Submission of Information Disclosure Stmt	
				Recording each patent assignment per property (times number of properties)	
				Filing a submission after final rejection (37 CFR § 1.129(a))	
				For each additional invention to be examined (37 CFR § 1.129(b))	
				Request for Continued Examination (RCE)	
				Request for expedited examination of a design application	
				Other fee (specify) Terminal Disclaimer Fee	
					110

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$110)

SUBMITTED BY

Name (Print/Type)	Gerald T. Gray	Registration No. (Attorney/Agent)	41,797	Telephone	925-472-5000
Signature	<i>Gerald T. Gray</i>			Date	January 21, 2004

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